

Message Text

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PAGE 01 STATE 106266
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TO AMEMBASSY NEW DELHI IMMEDIATE

INFO AMCONSUL BOMBAY IMMEDIATE

S E C R E T STATE 106266

EXDIS

E.O. 11652: GDS

TAGS: TECH, IN

SUBJECT: NUCLEAR DIALOGUE WITH INDIA

REFTEL: BOMBAY 551

1. WHITE HOUSE HAS APPROVED OUR SUPPLYING 75 METRIC TONS (TONNES) OF HEAVY WATER TO INDIA, AS REQUESTED BY SETHNA PER REFTEL, WITH PROVISIO THAT INDIA PLACE EQUIVALENT AMOUNT OF INDIGENOUSLY PRODUCED HEAVY WATER UNDER IAEA SAFEGUARDS FOR USE IN ONE OR MORE CURRENTLY UNSAFEGUARDED REACTORS, SUCH AS THE R-5. WE WOULD, OF COURSE, ALSO EXPECT THAT ANY U.S.-SUPPLIED HEAVY WATER WOULD MEET THE SAFEGUARDS CONDITIONS REQUIRED BY U.S. LAW WITH RESPECT

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TO ITS EXPORT.

2. RATIONALE FOR REQUIREMENT THAT INDIA PLACE ITS EQUIVALENT HEAVY WATER UNDER SAFEGUARDS IS THAT UNLESS THIS IS DONE U.S. SUPPLY HAS, IN EFFECT, FREED 75 TONNES OF INDIAN HEAVY WATER FOR UNSAFEGUARDED USE. PERHAPS MORE IMPORTANTLY FROM OUR STANDPOINT IS FACT THAT U.S. SUPPLY

OF HEAVY WATER IS LIKELY TO MEET STIFF OPPOSITION IN THE CONGRESS AND NRC UNLESS SOME PROGRESS ON SAFEGUARDS CAN BE SHOWN. EXPORT OF HEAVY WATER WILL SHORTLY REQUIRE NRC

LICENSE (CURRENTLY EXPORT IS LICENSED BY COMMERCE) AND WE BELIEVE IT WOULD BE VERY DIFFICULT TO OBTAIN NRC APPROVAL WITHOUT SAFEGUARDS CONCESSION BY INDIA. BEGIN FYI. IN FACT, WE ARE NOT OVERLY SANGUINE ABOUT SUCH APPROVAL EVEN IF INDIA ACCEPTS OUR PROPOSAL. END FYI. SOME MEMBERS OF CONGRESS AND PRESS EDITORIALS CRITICIZED THE HEAVY WATER OFFER IN JANUARY AND WE EXPECT THIS CRITICISM TO BE RENEWED IF ADDITIONAL SAFEGUARDS ARE NOT OBTAINED.

3. AS YOU KNOW THE NRC HAS NOW SENT THE TARAPUR EXPORT ISSUE TO THE PRESIDENT. WE EXPECT TO COMPLETE THE PROCEDURAL REQUIREMENTS FOR AFFIRMATIVE PRESIDENTIAL ACTION WITHIN A FEW DAYS THOUGH THE ACTUAL SHIPMENT OF THE FUEL WILL HAVE TO WAIT FOR THE 60 LEGISLATIVE DAY PERIOD SPECIFIED IN THE LEGISLATION, I.E., UNTIL WITH THE END OF JUNE OR MID-JULY DEPENDING ON THE SPECIFIC DATE OF CONGRESSIONAL NOTIFICATION AND CONGRESSIONAL HOLIDAY SCHEDULE (SEE SEPTEL). FYI. THIS ASSUMES THAT CONGRESS DOES NOT VOTE A CONCURRENT RESOLUTION FOR OR AGAINST THE EXPORT DURING THIS PERIOD. END FYI.

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4. GIVEN THIS BACKGROUND OF THE PRESIDENTIAL OVERRIDE OF THE NRC AND THE DECISION ON IMPLEMENTING THE PRESIDENT'S OFFER OF HEAVY WATER, WE WOULD APPRECIATE YOUR THOUGHTS AS TO POSSIBLE NEXT STEPS IN THE DIALOGUE. DO YOU THINK THAT IT WOULD BE USEFUL TO HAVE ANY FURTHER MEETINGS ON NUCLEAR QUESTIONS, INCLUDING PERHAPS DISCUSSION OF THE HEAVY WATER OFFER, PRIOR TO THE PRIME MINISTER'S VISIT HERE? IF SO, HOW DO YOU THINK THIS COULD BEST BE HANDLED? IN VIEW OF THE APPARENT IMPORTANCE OF THE SSOD FOR INDIAN POLICY IN THE NUCLEAR FIELD, CAN YOU SUGGEST ANYTHING WE COULD DO OR SAY BILATERALLY THAT WOULD BE HELPFUL? DO YOU THINK WE SHOULD GO AHEAD AND MAKE THE HEAVY WATER OFFER NOW? IF SO, SHOULD THIS OFFER BE MADE THROUGH THE SAME CHANNELS IN WHICH WE RECEIVED THE REQUEST, I.E., COURTNEY, SETHNA, OR THROUGH A PRESIDENTIAL LETTER? OR SHOULD THIS SUBJECT BE RESERVED FOR THE JUNE MEETINGS? DO YOU THINK INDIANS ARE STILL PREPARED TO CONSIDER EXPLICIT U.S. OFFER FOR RETURN OF TAPS SPENT FUEL?

5. WE ARE ALSO TRYING TO REVIEW THE ENTIRE RANGE OF NUCLEAR QUESTIONS WITH A VIEW TOWARDS ENHANCING THE

CHANCES FOR PROGRESS AT THE JUNE 13-14 MEETINGS AND WOULD
WELCOME EMBASSY VIEWS ON HOW BEST TO STRUCTURE OUR
DIALOGUE WITH DESAI ON THESE ISSUES, INCLUDING MULTI-
LATERAL ONES SUCH AS CTB AND SALT. VANCE

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